



Tim Elliott
Weights and Measures Program
Washington State Department of Agriculture
VIA Email

September 6, 2021

RE: NW Energy Coalition's comments regarding Section 5 of 2SSB 5192

The NW Energy Coalition ("NWECC" or "Coalition") appreciates the opportunity to comment on the Washington State Department of Agriculture (WSDA) rulemaking regarding Section 5 of 2SSB 5192. These comments are in response to the request for stakeholder input released on August 31, 2021.

The Coalition is a public interest nonprofit that focuses on clean energy issues in the Northwest. As an alliance of more than 100 organizations, the Coalition's work focuses on energy efficiency, renewable energy, fish and wildlife preservation and restoration in the Columbia basin, low-income and consumer protections, and informed public involvement in building a clean and affordable energy future.

RCW 19.94.565 (Section 5 of 2SSB 5192)

Minimum required payment methods that are convenient and reasonably support access for all current and future users:

RCW 19.94.565(1) directs WSDA to "adopt rules requiring all electric vehicle service providers make available multiple payment methods." As a starting place, we recommend including requirements to make available all three payment methods listed in RCW 19.94.565(1)(e) including a credit card reader, toll-free number, and mobile-payment option. These three minimum payment options align with California's payment method requirements for electric vehicle supply equipment (EVSE) and the legislature's intent to ensure *multiple* payment methods are available to consumers (emphasis added).¹

Additionally, the NACS Consumer Behavior at the Pump report offers some helpful insight into current consumer behavior.² The report states that "the top reason that gas customers go inside the store is to pay for gas at the register. While 78% of all customers pay by credit or debit card, a sizable percentage of customers pay by cash inside the store. Fully half (50%) of all female customers pay for gas at the register." Understanding consumer preferences can be helpful when considering minimum

¹ https://ww2.arb.ca.gov/sites/default/files/2020-06/evse_fro_ac.pdf

² <https://www.convenience.org/Topics/Fuels/Documents/How-Consumers-React-to-Gas-Prices.pdf>

payment method requirements that will align with Washington's transportation electrification goals and greenhouse gas emission reduction limits.³

Means for conducting a charging session in a language other than English:

NWEC understands toll-free numbers can be used to offer instructions to pay for and initiate a charging session in languages other than English. Ensuring that toll-free number transactions offer multiple language options is a good starting place. In order to avoid relegating non-English speakers to having to exclusively use toll-free numbers, which we understand can take longer and rely on good cell service, we also encourage WSDA to explore how apps offered by electric vehicle service providers (EVSP) and additional payment method signage can further facilitate clear consumer transactions.

Means for facilitating a charging session for consumers who are unbanked, underbanked, or low to moderate income:

The Federal Reserve defines unbanked as someone who does not have a checking, savings, or money market account and underbanked as someone who has a bank account but also used an alternative financial service product, such as a check cashing service, money order, pawn shop loan, auto title loan, paycheck advance, or payday loan.⁴ The Report on the Economic Well-Being of U.S. Households in 2020 - May 2021 states that “most adults had a bank account at the end of 2020. However, substantial gaps in use of, and experiences with, banking and credit services existed—especially among lower-income families and among Black and Hispanic adults.”⁵ In Washington, 3 percent of residents are unbanked and 17.5 percent of residents are underbanked.⁶

In order to facilitate charging sessions for consumers who are unbanked, underbanked, or low-moderate income, NWEC recommends WSDA ensure prepaid cards, where a predetermined amount of money can be loaded onto the card, can be accepted at each of the minimum payment methods required. As an example of the use of prepaid cards, the IRS issued Economic Impact Payments to qualifying recipients in the form of prepaid cards if they were not able to direct deposit the payment.⁷

Deadlines for compliance with this section for EVSEs installed prior to or after a specific date:

³ RCW 70A.45.020

⁴ <https://www.federalreserve.gov/publications/2018-economic-well-being-of-us-households-in-2017-banking-credit.htm>

⁵ <https://www.federalreserve.gov/publications/2021-economic-well-being-of-us-households-in-2020-executive-summary.htm>

⁶ <https://bankonwashington.org/>

⁷ <https://www.consumerfinance.gov/about-us/blog/economic-impact-payment-prepaid-card/>

NWEC recommends the following deadlines for compliance:

- (a) Publicly available DCFC EVSE installed prior to January 1, 2023 shall comply with the requirements of this section when the EVSE is retrofitted but in no case later than January 1, 2033;
- (b) Publicly available level 2 EVSE installed prior to January 1, 2023 shall comply with the requirements of this section when the EVSE is retrofitted but in no case later than January 1, 2033;
- (c) Publicly available DCFC EVSE installed on or after January 1, 2023 shall comply with the requirements of this section; and,
- (d) Publicly available level 2 EVSE installed on or after January 1, 2023 shall comply with the requirements of this section.

How can we minimize costs and maximize benefits to the public when adopting rules related to these requirements?

WSDA should develop rules that comply with the requirements in 2SSB 5192 and seek to meaningfully increase benefits to the public and consumers while reasonably minimizing compliance costs for EVSPs.

Thank you for your consideration of NW Energy Coalition's comments.

Sincerely,

Annabel Drayton
Policy Associate
NW Energy Coalition
annabel@nwenergy.org